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10/713,199	11/17/2003	Myeong-Bo Kim	45733	9566

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EXAMINER

DURNFORD GESZVAIN, DILLON

ART UNIT	PAPER NUMBER
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2622

MAIL DATE	DELIVERY MODE
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11/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/713,199

Applicant(s)

KIM, MYEONG-BO

Examiner

Dillon Durnford-Geszvain

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Claims **1-14** are pending, claims **4-6** have been amended, and claim **14** is newly added.

Response to Arguments

2. Applicant's arguments filed 9/4/2007 have been fully considered but they are not persuasive.

First Applicant argues that Shioji does not disclose at least one memory device for storing the digital images and at least one icon for indicating image display direction and a processing device programmable to control the retrieval of an icon from a memory device. The mark "M" is certainly an icon and is clearly recalled from memory. It is reproduced to show a selection of an image in Fig. 6. The Examiner admitted that it did not show "image display direction." The Applicant appears to be attacking the references separately by stating that Shioji does not disclose the invention as claimed. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Second, Applicant requests evidence be provided to support the Examiner's Official Notice. US 6,642,939 (Vallone). See Figs. 26 and 27 and note that forward or

backward facing arrow icons are displayed over an image that is currently selected from a plurality of images. This arrow is used to indicate in which direction the stored images are being displayed. See Column 19 lines 60-67 and Column 20 lines 23-36 and 60-65.

Lastly Applicant argues that Takayanagi does not disclose rotating an icon. The abstract of Takayanagi submitted by Applicant states "the icon is rotated only by awaiting at least one of figure information of icon. Then, the necessity that the figure information of the icon are awaited by the number required for rotating is eliminated, and a memory resource is utilized, and a processing speed is heightened, and complicated work isn't required even when the icon data become much." To the Examiner it clearly discloses rotating icon data to save memory space. As to Applicant's arguments that it does not disclose this rotation for indicating whether images are being displayed in a forward or backward direction is irrelevant as the Examiner was not relying on this reference to teach that feature as it was already rejected by the combination of Shioji and the Examiner's Official Notice.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim **14** is rejected under 35 U.S.C. 102(e) as being anticipated by US
6,642,939 (Vallone).

As to claim **14**, Vallone teaches a digital image device for generating digital
images, the digital image device comprising:

a first memory device 105 for storing the digital images (Column 5 lines 36-43);

a display device for displaying the digital images stored in the first memory
device (See Fig. 26 and Column 19 lines 28-37, note that the images are displayed
along with other graphics generated by the On-Screen Display, "OSD");

a mode selection device for selecting a screen display mode to display the digital
images on the display device (Column 20 lines 22-50);

a second memory device 104 for storing an icon (see Fig. 27) for indicating
image display direction (see Figs. 1 and 27 and Column 20 lines 51-65 and note that
although Vallone does not explicitly disclose that the icon is stored in memory 104 there
is no other conceivable place to store the icon and the icon is clearly stored somewhere
because it is displayed)

a processing device 106 for controlling the operation to display the digital images
along with the icon (see Fig. 26),

wherein the icon shows a forward direction or a backward direction according to
the image display direction (see Figs. 26 and 27 and Column 19 lines 60-67).

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1-7 and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 7,193,646 (Shioji) in view of US 6,642,939 (Vallone).

As to claim 1, Shioji teaches a digital image device for generating digital images, the digital image device comprising: at least one memory device 46 (see Fig. 1) for storing the digital images and at least one icon (M, see Fig. 6) for indicating image display direction; a user input device 13 for receiving user input commands comprising commands to retrieve selected ones of the digital images from said memory device for display; a display device 10 for displaying at least one of the digital images on a display screen; and a processing device 41 connected to said memory device, said user input device and said display device, and programmable to control the retrieval of at least one of the digital images and said icon from said memory device for display via said display device in response to one of said commands, to control the sequential display of the digital images in said memory device via said display device, and to configure the display of said icon to move to the next digital image in the sequential display of the digital images that is selected via one of said commands (Column 8 lines 3-20).

What Shioji does not explicitly teach is that the arrow is shown either forward or backward depending on if the images are being selected in forward or backward order. However, Vallone teaches displaying either forward or backward facing arrows to

display which direction images are being displayed (See Figs. 26 and 27 and note that forward or backward facing arrow icons are displayed over an image that is currently selected from a plurality of images, these arrows are used to indicate in which direction the stored images are being displayed. See Column 19 lines 60-67 and Column 20 lines 23-36 and 60-65).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have displayed the icon M of Shioji in either a forward or backward facing direction, as is taught by Vallone, based on whether the images are being moved through in a forward or reverse fashion. One of ordinary skill in the art at the time the invention was made would have recognized the problem of moving through images in a forward or reverse direction and not knowing which direction the images were previously being scrolled through and using this combination would remind a user which direction they were previously scrolling through the images in.

As to claim 2, see the rejection of claim 1 and note that Shioji further teaches a digital image device as claimed in claim 1, wherein said user input device comprises a forward image display direction button 13 and a backward image display direction button 13 for selecting, respectively, the next digital image and the previous digital image in the sequential display of the digital images (Column 8 lines 12-20).

As to claim 3, see the rejection of claim 1 and note that Shioji further teaches a digital image device as claimed in claim 1, wherein said user input device comprises a

button 12 for selecting a single mode or multi-mode of operation corresponding, respectively, to the display of a single digital image on said display screen, or the display of multiple digital images simultaneously on said display screen (Column 7 line 60 to Column 8 line 12 and note that the set button is used to select the multiple reproduction mode when the camera is in the state shown in Fig. 4B).

As to claim 4, see the rejection of claim 1 and note that Shioji further teaches a digital image device as claimed in claim 1, wherein said display device is operable to display multiple ones of the digital images simultaneously on said display screen (see Fig. 6).

As to claim 5, see the rejection of claim 4 and note that Shioji further teaches a digital image device as claimed in claim 4, wherein said multiple digital images are displayed in sequential order on said display screen (see Fig. 6).

As to claim 6, see the rejection of claim 5 and note that the limitations of the present claim have been addressed in the rejection of claim 1 from which the present claim ultimately depends.

As to claim 7, see the rejection of claim 1 and note that the limitations of the present claim have been addressed in the rejection of claim 1 from which the present claim depends.

As to claim 9, Shioji teaches a method of controlling the display of digital images on the display screen of a digital image device, the digital image device being operable to provide a sequential display of digital images, the method comprising the steps of: receiving a first user command to select and display at first one of the digital images; displaying said first digital image on the display screen; displaying an icon proximally to said first digital image on the display screen to indicate that said first digital image is the selected image; receiving a second user command to select a second one of the digital images in the sequential display; and displaying said icon proximally to said second digital image (see Fig. 6 and Column 8 lines 3-20).

What Shioji does not explicitly teach is that the arrow is shown either forward or backward depending on if the images are being selected in forward or backward order. Vallone teaches displaying either forward or backward facing arrows to display which direction images are being displayed (See Figs. 26 and 27 and note that forward or backward facing arrow icons are displayed over an image that is currently selected from a plurality of images, these arrows are used to indicate in which direction the stored images are being displayed. See Column 19 lines 60-67 and Column 20 lines 23-36 and 60-65).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have displayed the icon M of Shioji in either a forward or backward facing direction, as is taught by Vallone, based on whether the images are being moved through in a forward or reverse fashion. On of ordinary skill in the art at the

time the invention was made would have recognized the problem of moving through images in a forward or reverse direction and not knowing which direction the images were previously being scrolled through and using this combination would remind a user which direction they were previously scrolling through the images in.

As to claim **10**, see the rejection of claim **9** and note that Shioji further teaches a method of controlling the display of digital images as claimed in claim **9**, wherein the digital image device is operable to display a plurality of the sequential display of digital images simultaneously on the display screen, said simultaneously displayed digital images comprising at least said first digital image and said second digital image, and further comprising the step of moving said icon from said first digital image to said second digital image (see Fig. 6).

As to claim **11**, see the rejection of claim **10** and note that Shioji further teaches a method of controlling the display of digital images as claimed in claim **10**, further comprising the step of receiving a third user command to select one of a single mode and a multi-mode operation, the digital image device being operable to display one of the digital images on the display screen when in the single mode and to display a plurality of the digital images simultaneously on the display screen when in the multi-mode (Column 7 line 60 to Column 8 line 12 and note that the set button is used to select the multiple reproduction mode when the camera is in the state shown in Fig. 4B).

As to claim **12**, see the rejection of claim **9** and note that the limitations of the present claim have been addressed in the rejection of claim **9** from which the present claim ultimately depends.

Claim Rejections - 35 USC § 103

7. Claims **8** and **13** are rejected under 35 U.S.C. 103(a) as being unpatentable over US 7,193,646 (Shioji) in view of US 6,642,939 (Vallone) in view of English Abstract of JP 10-240218 (Takayanagi, cited in Applicant's IDS).

As to claim **8**, although Shioji nor the Examiner's Official Notice teach that an icon is rotated to create forward and backward icons, Takayanagi teaches rotating an icon. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have rotated the icon taught by Shioji in view of Examiner's Official Notice as this would allow for the icons used to show forward or backward movement to use a minimum of space.

Claim **13** corresponds to claim **8** but is drawn to a method instead of an apparatus and therefore is rejected on the same grounds as claim **8** but drawn to a method instead of an apparatus.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dillon Durnford-Geszvain whose telephone number is (571) 272-2829. The examiner can normally be reached on Monday through Friday 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Dillon Durnford-Geszvain

11/25/2007



LIN YE
SUPERVISORY PATENT EXAMINER